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11 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**LODGED**

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9 DEC 30 2004

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

12 EQUAL EMPLOYMENT OPPORTUNITY  
13 COMMISSION,

Plaintiff,

14 v.

15 RALEY'S,

16 Defendant.

Case No. CIV.S-04-2047 GEB JFM

**CONSENT DECREE BETWEEN THE  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION AND  
RALEY'S; ORDER**

17  
18 Plaintiff Equal Employment Opportunity Commission ("Commission") filed this action  
19 under Section 4(a)(1) of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. §  
20 623(a)(1) to correct alleged unlawful employment practices on the basis of age and to provide  
21 appropriate relief to Ms. Shirley Williams who was adversely affected by such practices. The  
22 Commission alleged that Defendant RALEY'S ("Defendant") subjected Ms. Williams to  
23 unlawful discrimination based on age in violation of the ADEA. The Commission and Raley's  
24 now seek to resolve this action as to each other without further contested litigation through the  
25 instant Consent Decree. This resolution does not constitute an admission of liability on the part  
26 of Raley's, nor constitute a finding on the allegations stated in the Commission's Complaint.  
27 This Consent Decree represents a good faith settlement of contested and disputed claims.

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**GENERAL PROVISIONS**

1. This Court has jurisdiction over the subject matter and the parties to this action. This Court retains jurisdiction over this Consent Decree during its term.
2. This Consent Decree constitutes a full and final resolution of the Commission's claims against the Defendant in this action.
3. This Consent Decree will become effective upon its entry by the Court.
4. This Consent Decree is final and binding upon the parties to it, their successors and assigns.
5. The Commission and Raley's will each bear its own costs and attorneys fees in this action.

**GENERAL INJUNCTIVE RELIEF**

6. The Defendant and its current officers, agents, employees, and all persons in active concert or participation with them will comply with all requirements of the ADEA with respect to providing a work environment free from discrimination on the basis of age.
7. The Defendant and its current officers, agents, employees, and all persons in active concert or participation with them agree not to retaliate against Shirley Williams for having testified or participated in any manner in the Commission's investigation and the proceedings in this case.

**SPECIAL INJUNCTIVE RELIEF**

8. No later than forty-five (45) days from the entry of this Consent Decree, the Defendant will conduct a two hour live in-person anti-age discrimination training for all its management employees at its Yreka store.

**MONETARY AND OTHER RELIEF**

9. Defendant Raley's will pay Shirley Williams a total of \$45,023.55 in compensatory damages. This amount will be paid within 30 days of the entry of the Consent Decree. This sum will be paid by check directly to Mrs. Williams in her name, and will be sent to her via certified mail, Federal Express, or United Parcel Service delivery at an address to be provided to the Defendant by the Commission. A copy of said check and

1 its transmittal letter will be sent to Commission attorney Raymond Cheung at the San  
2 Francisco District Office.

- 3 10. Defendant will restore to Ms. Williams the following benefits of her employment that  
4 she lost as a result of the termination of her employment on or about April 2003,  
5 including restoration of her health benefits plan, seniority and sick leave.

6 **EXPIRATION OF CONSENT DECREE AND DISMISSAL**

- 7 11. This Court will retain jurisdiction of this case and enforcement power over this Consent  
8 Decree for a period of one year after the entry of this Consent Decree. Thereafter, this  
9 lawsuit will be dismissed with prejudice, provided that Defendant has complied with the  
10 terms of this Consent Decree.

11 RALEY'S

12  
13 Dated: 12/23/04

14 By Jennifer A. Crabb

15  
16 EQUAL EMPLOYMENT OPPORTUNITY  
17 COMMISSION

18  
19 Dated: 12/29/04

20 By Raymond T. Cheung  
21 RAYMOND T. CHEUNG  
22 Attorney for Plaintiff

23 **ORDER**

24 It is so ordered.

25  
26  
27 Dated: 1-3-05

28 Paul E. Fanello  
United States District Judge

CERTIFICATE OF SERVICE

I am a citizen of the United States, employed in the County of San Francisco, over the age of 18 years, and not a party to this action. My business address is the office of the Equal Employment Opportunity Commission, San Francisco District Office, 350 The Embarcadero, Suite 500, San Francisco, California 94105.

On the date below, I placed a copy of:

Civil No. CIV-S-04-2047-GEB JFM (E.D. Cal.)

**Consent Decree Between the Equal Employment Opportunity Commission and Raley's; Order**

in a franked envelope which I deposited in the United States Mail addressed to:

**Jennifer Crabb  
Helen S. Singmaster  
Raley's  
500 West Capitol Avenue  
West Sacramento, CA 95605-2696**

I certify under penalty of perjury that the above is true and correct.

DATED: December 29, 2004

Robert H. Taine